

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FEB 18 2004

Ex parte JAMES T. CONNERS, JOHN D. MILLER,
JOSEPH A. PERI, STEPHEN J.A. MAYBEE
and RICHARD C. STOYELL, JR.

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 09/091,508

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 13, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

On June 26, 2003, the examiner entered a Final Rejection of claim 1 under 35 U.S.C. § 103 as being unpatentable over Pall ('923), in view of Stoyell, Pall ('012) and Driscoll (Paper No. 29). Appellants filed an Appeal Brief on July 18 2003 (Paper No. 31). In response to appellants' Brief, the examiner mailed an Examiner's Answer on October 1, 2003 (Paper No. 32). On page 3, section (10) of the Answer, the examiner states "[c]laims 1 and 14-19 are rejected under 35 U.S.C. § 103(a). This rejection

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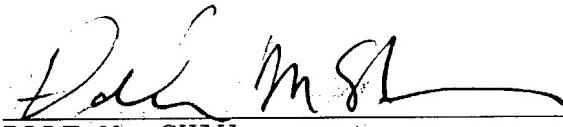
is set forth in prior Office Action, Paper No. 29." However, a review of the Final rejection mailed on June 26, 2003 (Paper No. 29) reveals that only claim 1 on appeal is rejected. Therefore, it is not clear from the record which claims on appeal are being rejected.

Accordingly, it is

ORDERED that the application is electronically returned to the examiner to clarify for the record the proper rejection of claims on appeal, notification to appellants in writing as to the proper rejection of claims on appeal, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


DALE M. SHAW

Program and Resource Administrator
(703) 308-9797

cc: Leydig, Voit & Mayer
700 Thirteenth Street, N.W.
Suite 300
Washington, DC 20005

DMS/clm/dm
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